

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARK M. ACKERMAN,

Defendant,

and

LT TRUST,

Garnishee.

4:18CR3006

AMENDED GARNISHEE ORDER

A Writ of Garnishment, directed to Garnishee, LT Trust, 1675 Broadway, Suite 500, Denver, CO 80202, has been duly issued and served upon the Garnishee. Pursuant to the Writ of Garnishment, the Garnishee filed an Amended Answer on November 1, 2018, stating that at the time of the service of the Writ they had in their possession or under their control property belonging to defendant, Mark M. Ackerman, xxx-xx-9104, whose last known address was: -----, Crete, NE 68333. A Garnishee Order was issued on December 7, 2018 (Filing #90). However, the United States has subsequently filed a motion for an Amended Garnishee Order (Filing # 92) to correct the amount to be remitted by the Garnishee and to provide information in the order which the Garnishee requires. The Court now makes the following findings:

1. On October 16, 2018, the defendant was notified of his right to a hearing and he has not requested a hearing to determine exempt property nor has he filed

an objection to the garnishment. The Court deems the defendant's failure to timely object as his consent to the garnishment.

2. The property in the possession, custody or control of the Garnishee consists of funds in the Vertical Horizons Contracting, Inc. Safe Harbor 401(k) Plan relating to Mark Martin Ackerman of Crete, Nebraska whose Social Security Number is xxx-xx-9104.
3. Mark M. Martin separated from his employment with Vertical Horizons Contracting, Inc. on October 13, 2017.
4. The amount in the account is subject to fluctuation due to changes in market value. Therefore, it is not possible to provide a specific amount in this Order which must be remitted by the Garnishee.
5. The Garnishee should be directed to pay 100% of the account value less any required withholding for taxes.

IT IS ORDERED that Garnishee pay over the 100 % of the value of the above-described 401(k) account of Mark M. Ackerman, which is presently frozen by the garnishment, to the U.S. Clerk of the District Court to be applied to defendant's restitution judgment debt. Payment will be made payable to the Clerk of the District Court and sent to:

U.S. Clerk of the District Court
111 South 18th Plaza, Suite 1152
Omaha, Nebraska 68102

Upon payment of the aforesaid amount, the Garnishee shall be released of any further obligations pursuant to the Writ of Garnishment and the remaining balance in the account of Mark M. Ackerman. may be unfrozen.

The Clerk of the Court shall mail a file stamped copy of this Order to the Defendant's attorney, Christopher M. Ferdico, the Garnishee, and the U.S. Attorney's Office.

December 20, 2018.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge